



# Department of Justice

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**DEPARTMENT OF JUSTICE, FEDERAL TRADE COMMISSION SEEK COMMENTS  
FOR UPCOMING HEARINGS ON SINGLE-FIRM CONDUCT**

*Hearings To Be Held in Washington, D.C., Between June and December 2006*

WASHINGTON, D.C.—The Department of Justice's Antitrust Division and the Federal Trade Commission (FTC) today announced that they are seeking comments in connection with their planned joint public hearings on how best to identify anticompetitive exclusionary conduct for purposes of antitrust enforcement under Section 2 of the Sherman Antitrust Act.

The hearings, which will be held between June and December 2006, will examine whether and when specific types of conduct that potentially implicate Section 2 of the Sherman Antitrust Act are pro-competitive or benign, and when they may harm competition and consumer welfare.

The agencies are seeking comments from lawyers, economists, the business community, consumer groups, academics—including business historians—and other interested parties on two general subjects: the legal and economic principles relevant to the application of Section 2, including the ability to administer current and potential antitrust rules for Section 2, and the types of business practices that the agencies should examine in the hearings, including examples of real world conduct that potentially raise Section 2 issues.

The Federal Register notice contains a list of examples of particular types of conduct for possible discussion, ranging from bundled loyalty discounts to exclusive dealing and tying to refusals to deal, and also provides a list of sample questions for consideration.

Detailed agendas, locations, and schedules for the hearings will be available on the Justice Department's single-firm conduct Web site, [www.usdoj.gov/atr/public/hearings/single\\_firm/sfchearing.htm](http://www.usdoj.gov/atr/public/hearings/single_firm/sfchearing.htm) and on the FTC's home page, [www.ftc.gov](http://www.ftc.gov). Individuals seeking more information on the hearings should contact Gail Kursh, Deputy Chief, Legal Policy Section of the Antitrust Division, at [singlefirmconduct@usdoj.gov](mailto:singlefirmconduct@usdoj.gov); or Susan DeSanti, FTC Deputy General Counsel, at [sdesanti@ftc.gov](mailto:sdesanti@ftc.gov).

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